

**UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA**

* * *

STATE OF NEVADA,

Case No.: 2:23-CR-00227-JAD-DJA-1

Plaintiff,

VS.

MARCO CAPISTRAN

Defendant,

FINDING OF FACTS

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to gather information on this case in order to further the negotiations that are actively still in process.
 2. Defendant Capistran is not incarcerated and does not object to the continuance.
 3. The parties agree to the continuance.
 4. The additional time requested herein is not sought for the purposes of delay, but merely to allow counsel for the defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.
 5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest
3 of the public and the defendant in a speedy trial, since the failure to grant said continuance
4 would be likely to result in a miscarriage of justice, would deny the parties herein
5 sufficient time and the opportunity within which to be able to prepare for trial effectively
6 and thoroughly, taking into account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title
8 18, United States Code, Section 6131(h)(7)(A), when considering the facts under
9 Title 18, United States Code, 316(h)(7)(B) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions,
12 proposed jury instructions, and a list of the Government's prospective witnesses must
13 be electronically submitted to the Court by noon on January 27, 2025.

14 IT IS FURTHER ORDERED that the calendar call currently scheduled for
15 October 21, 2024 be vacated and continued to January 27, 2025 at the hour of 1:30 pm.
16 and the trial currently scheduled for November 5, 2024 at the hour of 9:00 am. be
17 vacated and continued to February 11, 2025 at the hour of 9:00 am.

18
19 Dated this 4th day of October, 2024.

20 
21 Jennifer A. Dorsey
22 United States District Judge